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THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

MOLLY J. MULLIGAN; and
JOHN P. MULLIGAN,

Plaintiffs

v.

ALUM ROCK RIVERSIDE, LLC, a California
limited liability company; Brett H. Del Valle and
Traci M. Del Valle as Co-Trustees of the Del Valle
Family Trust dated October 30, 2002

Defendants.

**NOTICE OF FILING
OF AND INTENT TO RELY UPON
TRANSCRIPT FROM
STATE COURT PRELIMINARY
INJUNCTION HEARING HELD ON
JANUARY 14, 2025**

Case No. 1:25-cv-00008-DA
Assigned Judge: Dale A. Kimball

This above-captioned case was originally filed in the Second Judicial District Court,
Ogden District, Weber County, State of Utah, as Case No. 240908957 (the “**State Court**”). On
January 14, 2025, an evidentiary hearing was held in the State Court (the “**Hearing**”) on a
motion of the above-named Plaintiffs (who also were Plaintiffs in the State Court) Molly J.

Mulligan and John P. Mulligan (collectively “**Mulligans**”) seeking a preliminary injunction to prevent a foreclosure of Mulligans’ real property by the above-named Defendant (who also was a Defendant in the State Court) Alum Rock Riverside, LLC (“**Alum Rock**”). After that Hearing, at which a ruling was issued orally from the bench by and in the State Court, but before that oral ruling could be reduced to writing, Alum Rock filed in this above-named federal court its *Notice of Removal* on January 23, 2025 (Docket No. 2 herein, the “**Alum Rock Removal**”).

After the Alum Rock Removal, on February 17, 2025, the State Court completed preparation of a written transcript of the Hearing and filed that transcript in the State Court (Docket No. 59 therein, the “**Hearing Transcript**”).

Because the Hearing Transcript was not on file in the State Court at the time of the Alum Rock Removal, that Hearing Transcript was not included with the State Court materials filed by Alum Rock in this above-named federal court.

Accordingly, pursuant to 28 U.S.C. §§ 1446 & 1447, DUCivR 81-2, F.R.Civ.P. 65, Utah R. Civ. P. 65A, and otherwise, Mulligans hereby provide and file herewith, as “**Exhibit 1**” hereto, a copy of the Hearing Transcript which they hereby certify was filed in the State Court as indicated hereinabove.

Without limitation of any kind upon any of the foregoing, Mulligans also and further hereby provide notice of their intent to use and rely upon in this above-captioned case all contents of and all materials referenced in the State Court Hearing Transcript (Exhibit 1 hereto). *See e.g.*, F.R.Civ.P. 65(a)(2) (“evidence that is received on the motion [for a preliminary injunction] and that would be admissible at trial becomes part of the trial record and need not be repeated at trial”); Utah R. Civ. P. 65A(a)(2) (“any evidence received upon an application for a

preliminary injunction which would be admissible at the trial on the merits becomes part of the trial record and need not be repeated at the trial.”)

DATED February 19, 2025

FREEMAN LOVELL, PLLC

/s/ Bradley L. Tilt
Bradley L. Tilt
Attorneys for Mulligans

CERTIFICATE OF SERVICE

I certify that on February 19, 2025 I caused true and correct copies of the foregoing **NOTICE OF FILING OF AND INTENT TO RELY UPON TRANSCRIPT FROM STATE COURT PRELIMINARY INJUNCTION HEARING HELD ON JANUARY 14, 2025** to be served in the manner indicated below to the following-listed parties at their respective addresses listed below:

Benjamin D. Johnson KC Hooker BENNETT TUELLER JOHNSON & DEERE 3165 East Millrock Drive, Suite 500 Salt Lake City, UT 84121 ben.johnson@btjd.com kchooker@btjd.com <i>Attorneys for Defendant Alum Rock Riverside, LLC</i>	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> First Class, United States Mail, <input type="checkbox"/> Postage Prepaid <input type="checkbox"/> E-filing via GreenFiling <input checked="" type="checkbox"/> E-filing via CM/ECF <input type="checkbox"/> Email <input type="checkbox"/> Other: _____
Felicia B. Canfield CANFIELD LAW LLC 2413 Newton Avenue Cody, WY 82414 canfieldlawllc@gmail.com <i>Attorneys for Plaintiffs</i>	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> First Class, United States Mail, <input type="checkbox"/> Postage Prepaid <input type="checkbox"/> E-filing via GreenFiling <input checked="" type="checkbox"/> E-filing via CM/ECF <input type="checkbox"/> Email <input type="checkbox"/> Other: _____

/s/ Bradley L. Tilt